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AUG 16 2007

OFFICE OF PETITIONS

In re Application of :
Alain Painchaud :
Application No. 10/711,662 : DECISION ON PETITION
Filed: September 29, 2004 :
For: BRIDGE CONVERTING :
MOVEMENT INTO ELECTRICAL ENERGY :

This is a decision on the renewed petition under the 37 CFR 1.137(b), filed February 23, 2007, to revive the above-identified application.

The petition is DISMISSED.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed August 11, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 12, 2005. A first petition to revive was filed on June 6, 2006 and was dismissed in a decision mailed December 7, 2006, stating that the required \$750 petition fee had not been received. A supplemental decision was mailed on December 28, 2006 stating that the reply to the final Office action of did not *prima facie* place the application in condition for allowance.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is not a final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that

the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C).

The instant petition now lacks item (1).

As noted in the supplemental decision mailed December 28, 2006, petitioner was informed that the Examiner has indicated that the reply received to the final Office action of August 11, 2005 would not *prima facie* place the application in condition for allowance for the reasons stated on the copy of the Advisory Action, which accompanied the supplemental decision. Therefore, since petitioner has not to date submitted a proper reply; i.e., (1) a Notice of Appeal (and appeal fee-currently \$250), (2) the filing of a request for continued examination under 37 CFR 1.114 (and filing fee of \$395 and submission, which submission requirement may be met by way of an amendment or arguments in reply to the Office action of August 11, 2005), (3) or the filing of a continuing application under 37 CFR 1.53(b), the petition must again be dismissed.

Accordingly, before revival of this application can be effected, petitioner must submit a renewed petition under 37 CFR 1.137(b) and a proper reply (as set out above) to the final Office action of August 11, 2005. The request for reconsideration must be filed within two months from the mailing date of this decision on petition. Extensions of time pursuant to the provisions of 37 CFR 1.136(a) are available. Failure to timely reply within the time period set in this decision may be construed as intentional delay.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
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By hand: U. S. Patent and Trademark Office
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Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.


Frances Hicks
Petitions Examiner
Office of Petitions